

20331. Adulteration and misbranding of flour. U.S. v. 350 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29037. Sample no. 10900-A.)

This action involved the interstate shipment of a quantity of flour which had been bleached with and contained benzoyl peroxide or its derivative, benzoic acid. Sample sacks examined also were found to be short weight.

On October 13, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 sacks of flour at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1932, by the Lakeview Milling Co., from Chambersburg, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "140 Lbs. Cake Flour Cream of the Lake Lakeview Milling Company, Chambersburg, Pa."

It was alleged in the libel that the article was adulterated in that flour bleached with and containing benzoyl peroxide or its derivative, benzoic acid, had been substituted for the article.

Misbranding was alleged for the reason that the statement "Flour" was false and misleading and deceived and misled the purchaser, when applied to bleached flour containing benzoyl peroxide or its derivative, benzoic acid. Misbranding was alleged for the further reason that the product was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

Leo Zeitlin interposed a claim for the property as agent for the Lakeview Milling Co., Chambersburg, Pa., admitted the allegations of the libel, and consented to the entry of a decree. On November 10, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this Department by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks; and that sufficient flour be added to bring the contents of the sacks up to the declared weight.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20332. Misbranding of rabbit feed. U.S. v. 140 Bags of Feed. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29051. Sample no. 17784-A.)

This action involved the interstate shipment of a quantity of rabbit feed, which contained less protein and fat and more crude fiber than declared on the label.

On October 13, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 bags of feed, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 10, 1932, by Fernando Valley Milling & Supply Co., from Los Angeles, Calif., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Fernando Vita-Mixed Rabbit Pellets * * * Crude Protein not less than 16% Crude Fat not less than 4% Crude Fiber not more than 16% * * * Manufactured by Fernando Valley Milling and Supply Co. Los Angeles."

It was alleged in the libel that the article was misbranded in that the statements on the tag, "Crude Protein not less than 16%", "Crude Fat not less than 4%", and "Crude Fibre not more than 16%", were false and misleading and deceived and misled the purchaser.

On October 18, 1932, the Baltimore Feed & Grain Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, and further conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*